



Town of Harpswell
Planning Board Minutes
November 18, 2015
Adopted December 16, 2015

Members Present

David I. Chipman, Chair
Paul Standridge, Vice Chair
Burr Taylor
Frank Wright IV, Associate Member

Members Absent

Aaron Fuchs
Debora Levensailor
John Papacosma, Associate Member

Staff Present

Mark Eyerman, Interim Planner
Diane Plourde, Recording Secretary

The Town of Harpswell Planning Board meeting was called to order at 6:30 p.m. by David Chipman, Chair. The Pledge of Allegiance was recited and Board members were introduced. The Chair appointed Frank Wright a full voting member for this meeting.

Old Business: None

New Business: 15-11-01 Russell & Peggy Packett, Map #51 Lot #23, 55 Hidden Pond Road, Harpswell, Subdivision Review – Final Plan Submission

Joe Marden, Sitelines representing the Packetts stated they wish a minor subdivision amendment for an existing parcel into 2 parcels. It is partially within the Interior and the Resource Protection zones. The primary access road is Hidden Pond Road which is primarily in the RP zone. The only practical location for a road to the lower parcel would be through the RP zone due to large outcrop of ledge. The rear parcel is 10.9 acres with only 5.6 acres buildable and that most of the setbacks to the wetlands would be greater than 200 feet. Mr. Marden noted that the Conditions of Approval from the Planner indicated that the rear parcel does not meet the lot front requirements, so they will be extending the right-of-way into the parcel with a T-turn around. He also said the property pins will be added on both properties. The Town Planner discussed the Performance Guarantee and that the Board can decide if this is necessary for the application.

Paul Standridge moved seconded by Frank Wright to waive the requirement for the Performance Guarantee. Motion carries 4-0

David Chipman moved seconded by Burr Taylor that the application is complete. Motion carries 4-0

Under Section 9.1 of the Subdivision Ordinance:

David Chipman moved seconded by Paul Standridge that the project does conform to all pertinent local, State, and federal ordinances, law, and regulations and that both lots will maintain at least 80,000 square feet and will be enough road frontage to meet the ordinance of minimum of 50 (fifty) feet, and that there is no other practical way to enter the lot other than through the RP area.

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Discussion: Mr. Wright asked Mr. Marden how they planned to obtain the 50-foot frontage. Mr. Marden indicated that there is a 33-foot wide private right-of-way proposed at the edge of the property that will give the frontage required.

Motion carries 4-0

Under Section 9.2 of the Subdivision ordinance:

David Chipman moved seconded by Frank Wright that the project does not have an unreasonable adverse impact on municipal services. Motion carries 4-0

Under Section 9.3 of the Subdivision Ordinance:

David Chipman moved seconded by Paul Standridge that the project does preserve the landscape in its natural state insofar as practicable. Motion carries 4-0

Under Section 9.4 of the Subdivision Ordinance:

David Chipman moved seconded by Frank Wright that Section 9.4 will be met because under Section 9.1 the frontage requirements of 50 feet will be met and both lots meet the shore frontage requirements. Motion carries 4-0

Under Section 9.4.2 of the Subdivision Ordinance:

David Chipman moved seconded by Burr Taylor that the project does not constitute a flag lot. Motion carries 4-0

Under Section 9.4.3 of the Subdivision Ordinance:

David Chipman moved seconded by Frank Wright that the Flexible Lot Size Subdivision design are not applicable. Motion carries 4-0

Under Section 9.5 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project does include any land not suitable for development for the purpose of calculation of lot area but that the lots meet the minimum lot area requirement with those deductions. Motion carries 4-0

Under Section 9.6 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that project does not demonstrate compliance with the requirements relating to lot markers in Section 9.6.1 but will when the project is finished. Motion carries 4-0

Burr Taylor moved seconded by David Chipman that the project does satisfy the five (5) water supply requirements of Section 9.6.2.1-9.6.2.5. Motion carries 4-0

Burr Taylor moved seconded by Frank Wright that the project does satisfy the three (3) sewage disposal requirements in Section 9.6.3.1-9.6.3.3. Motion carries 4-0

Burr Taylor moved seconded by Frank Wright that the project does provide for adequate emergency vehicle access to the subdivision and for water supply for fire protection. Motion carries 4-0

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Under Section 9.7 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project will not cause soil erosion or a reduction in the land's capacity to hold waters such that a dangerous or unhealthy condition results. Motion carries 4-0

Burr Taylor moved seconded by Frank Wright that the project does comply with the soil conservation and erosion and sediment control measures in Section 9.7.2. Motion carries 4-0

Public Hearing:

Mary Ann Nahf indicated that the Conservation Commission would like to provide the residence guide to help the homeowner with tips towards good landscaping and keeping the water on the property.

Under Section 9.8 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project does demonstrate that, where feasible, utilities and essential services will be installed in existing public ways or service corridors, and any remaining above-ground facilities will be located so as to avoid crossing open areas and scenic views as identified in the Comprehensive Plan. Motion carries 4-0

Under Section 9.9 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project does comply with the Harpswell Floodplain Management Ordinance, to the extent any part of the development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency. Motion carries 4-0

Under Section 9.10 of the Subdivision Ordinance:

Burr Taylor moved seconded by Paul Standridge that the project does demonstrate that the development is designed to minimize impacts on wetlands. Motion carries 4-0

Under Section 9.11 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project does not adversely affect the quality or quantity of groundwater and does satisfy the five (5) groundwater standards of Sections 9.11.2-9.11.6. Motion carries 4-0

Under Section 9.12 of the Subdivision Ordinance:

Burr Taylor moved by David Chipman that the project does include adequate provisions for disposal of all stormwater generated within the subdivision and does satisfy the five (5) stormwater management standards of Sections 9.12.3.1-9.12.3.5. Motion carries 4-0

Under Section 9.13 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that since the project does not involve a subdivision on an offshore island, The Planning Board finds that the requirement to provide for deeded mainland support facilities, including a private landing and at least two (2) parking spaces per subdivision lot, is not applicable. Motion carries 4-0

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Under Section 9.14 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project does preserve the scenic and natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline, in compliance with the standards set forth in Sections 9.14.1-9.14.6. Motion carries 4-0

Under Section 9.15 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project will not create unreasonable highway or public road congestion or unsafe conditions for vehicular traffic and pedestrians. Motion carries 4-0

Burr Taylor moved seconded by Frank Wright that the project does satisfy the four (4) general traffic requirements of Sections 9.15.2.1-9.15.2.4. Motion carries 4-0

Burr Taylor moved seconded David Chipman that the project does satisfy the three (3) road design and construction standards Sections 9.15.3.1-9.15.3.3. Motion carries 4-0

Under Section 9.16 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that the project does have a Homeowners/Landowners Association that complies with the five (5) standards of Sections 9.16.1-9.16.5. Motion carries 4-0

Under Section 9.17 of the Subdivision Ordinance:

Burr Taylor moved seconded by David Chipman that since the application does not propose a community dock, the Planning Board finds that the community docks standard of Section 9.17 is not applicable to this project. Motion carries 4-0

Under Section 9.18 of the Subdivision Ordinance:

Burr Taylor moved seconded by Frank Wright that since the proposed subdivision does not include Workforce Housing Units or Lots, the Planning Board finds that the provisions of Section 11.18 of the Town's Basic Land Use Ordinance are not applicable to this project. Motion carries 4-0

Conclusions of Law

The Planning Board finds that the applicants, Russell and Peggy Packett, have met the standards of the Town of Harpswell Subdivision Ordinance. The Planning Board approves the application with the following standard conditions of approval and additional condition(s) of approval:

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Planning Board.

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2. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. All work shall be completed in conformance with the approved plans, drawn by SITE LINES PA and dated September 2, 2015.
4. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.
5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sediment Control.
6. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval. If a State or federal agency imposes any more stringent conditions on the applicant or if the other agency's conditions of approval in any way impact the substantive site plan review criteria, the applicant shall return to the Planning Board for review and approval of an amended application.
7. Lot Markers will be placed according to the ordinance requirements.
8. The subdivision plan shall be revised to provide adequate road frontage for the new lot.
9. The applicant will provide evidence that the Cundy's Harbor Fire Chief is okay with the access to the lot.

David Chipman moved seconded by Paul Standridge that this application be approved with the Standard of Conditions as well as the requirement of lot markers on the two (2) lots, and that the subdivision plan be revised to provide the fifty (50) feet road frontage and when a note from the Fire Chief is received. Motion carries 4-0

Proposed Ordinance Amendments:

David Chipman moved seconded by Burr Taylor to take the nonconforming structure modifications to the Public Hearing. Motion carries 4-0

The Board discussed and agreed to hold a Public Hearing on December 9, 2015 at 6:30 PM.

Mary Ann Nahf discussed the changes of the Insect Growth Regulator Ordinance and within the Shoreland Zoning Ordinance, a section that mentions pesticides usage. The Conservation Commission wishes to combine the information to make it easier for all to understand. She continued to explain the certifications applicators are required when applying pesticides. The Board continued discussion with Ms. Nahf and this will continue at the Public Hearing.

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After Board discussion of the Temporary Living Accommodations ordinance amendments,
Paul Standridge moved seconded by David Chipman to take the Temporary Living Accommodations to the Public Hearing. Motion carries 4-0

Other Business: Approval of the 2016 Calendar for Applications
David Chipman moved seconded by Frank Wright to accept the calendar as presented. Motion carries 4-0

Planner's Update: None
Communications: None

Consideration of minutes: October 21, 2015
Burr Taylor moved seconded by David Chipman to accept the minutes as presented. Motion carries 3-0. Paul Standridge abstained.

Adjournment: Meeting adjourned at 8:45 PM

Respectfully submitted by:

Diane E. Plourde
Recording Secretary